

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF MISSOURI

In re:)
GARY MICHAEL LEE)
ROBIN JENE LEE,) Case No. 17-41948
) Chapter 13
Debtors.)

**DEBTORS' MOTION TO AVOID JUDICIAL LIEN
OF BARRICK PROPERTIES, INC.
AGAINST EXEMPT PROPERTY OF DEBTORS PURSUANT TO 11 U.S.C. § 522(f)**

COME NOW Debtors Gary Michael Lee and Robin Jene Lee, by and through Jeffrey A. Koons, their attorney, and move the Court for its Order avoiding the judicial lien of Barrick Properties, Inc. against exempt property of Debtors pursuant to 11 U.S.C § 522(f).

In support of their motion, Debtors allege and state as follows:

1. Debtors, at the time of the filing of this Chapter 13 case and currently, are the owners of real property located at 1203 Mission, Harrisonville, Cass County, Missouri, and use it as their primary and only residence.
2. On or about August 24, 2016, creditor Barrick Properties, Inc. obtained a judgment in its favor and against Debtors in the Superior Court of Arizona, in and for the County of Maricopa.
3. Subsequently, on November 3, 2016, the judgment was filed as a foreign judgment in the Circuit Court of Cass County, Missouri, as Case No. 16CA-CC00230, creating a judicial lien against real property of Debtors located in Cass County, Missouri, specifically Debtor's homestead located at 1203 Mission, Harrisonville, Cass County, Missouri. A copy of the Filing of Foreign Judgment and Affidavit in Support is attached hereto as Exhibit 1 and incorporated herein by reference.
4. Debtors' interest in the subject property predates the above described judicial lien.
5. The debt to Barrick Properties, Inc. would have been discharged in Debtors' prior Chapter 7 bankruptcy except for the existence of the subject judicial lien.
6. The real property, absent liens, has a value of \$275,000.00.
7. The property is subject to a mortgage with a balance of \$117,446.00.

8. The property is subject to a secured tax lien of \$20,368.83.
9. Debtors claimed an exemption under 513.475 RSMO of \$15,000.00.
10. Pursuant to 11 U.S.C. § 522(f)(1), Debtors “may avoid the fixing of a lien on an interest of the debtor in property to the extent that such lien impairs an exemption to which the debtor would have been entitled under subsection (b) of this section, if such lien is—
 - (A) a judicial lien, other than a judicial lien that secures a debt of a kind that is specified in section 523(a)(5)” (domestic support obligation).
11. Creditor’s lien impairs the homestead exemption to which Debtors are entitled to claim on the real property and, therefore, Creditor’s lien is avoidable in full.

WHEREFORE, Debtors move the Court for its Order granting Debtors’ motion and avoiding the judicial lien of Barrick Properties, Inc. on Debtors’ exempt property and for such other and further relief as the Court deems just and equitable in the premises.

/s/ Jeffrey A. Koons

Jeffrey A. Koons, S. Ct. #20921
9401 Nall Avenue, Suite 206
Overland Park, KS 66207
(913) 652-3377
thekoonslawfirm@gmail.com
Attorney for Debtors

NOTICE OF MOTION

Any response to the foregoing motion must be filed within twenty-one (21) days of the date of this notice with the Clerk of the United States Bankruptcy Court. Documents may be filed electronically at <https://ecf.mowb.uscourts.gov>. Parties not represented by an attorney may mail a response to the United States Bankruptcy Court, Western District of Missouri, 400 East 9th Street, Room 1510, Kansas City, Missouri 64106. If a response is timely filed, a Notice of Hearing will be provided to all parties in interest. If no response is filed within twenty-one (21) days, the court will enter an order granting the motion.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion was served, in addition to the parties notified by the U.S. Bankruptcy Court's electronic notification, upon the affected creditors and other parties in interest via US First Class Mail, postage prepaid on October 30, 2017.

Debtor and all parties as listed on the Creditor Matrix attached hereto; and to Barrick Properties, Inc., 7542 East Cavedale Drive, Scottsdale, AZ 85266 and its attorney of record, Charles W. Gotschall, 4700 Belleview, Suite 215, Kansas City, MO 64112.

/s/ Jeffrey A. Koons
Jeffrey A. Koons

IN THE CIRCUIT COURT OF CASS COUNTY, MISSOURI

BARRICK PROPERTIES, INC.)

Plaintiff/)

Judgment Creditor)

vs.)

Case No. _____

GARY M. LEE AND ROBIN LEE,)

Individually and)

UNIVERSAL ASSET MANAGEMENT,)
LLC.)

Defendants/)

Judgment Debtors)

FILING OF FOREIGN JUDGMENT AND AFFIDAVIT IN SUPPORT
CASE TYPE: XI

Pursuant to Mo.R.Civ.P. 74.14, plaintiff/judgment creditor Barrick Properties, Inc. hereby files this foreign judgment against defendants/judgment debtors Gary M. Lee and Robin Lee individually and Universal Asset Management, LLC. A true and correct copy of such judgment, authenticated in accordance with the act of Congress or the statutes of this state, is attached hereto as Exhibit A.

The undersigned, Charles W. Gotschall, counsel of record in this state for Barrick Properties, Inc. hereby deposes and states as follows.

1. I am the lead attorney of record in this state for Barrick Properties, Inc. for all purposes herein. I have personal knowledge of all matters set forth herein.

Exhibit 1

2. a. The last known post office address of Gary M. Lee and Robin Lee is:

Gary M. Lee and Robin Lee
1203 Mission Road
Harrisonville, MO 64701

- b. The last known post office address of Universal Asset Management, LLC is:

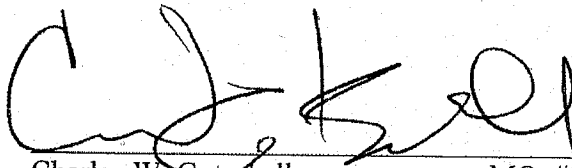
Universal Asset Management, LLC
1203 Mission Road
Harrisonville, MO 64701

Additional mailing addresses used by Universal Asset Management, LLC within the last twelve months are as follows:

Universal Asset, Management, LLC
c/o Ct. Corporation System
120 S. Central Avenue, Ste. 400
Clayton MO 63105

3. The name and last known post office address of Barrick Properties, Inc., judgment creditor, is as follows:

Barrick Properties, Inc.
7542 East Cavedale Drive
Scottsdale, AZ 85266



Charles W. Gotschall,
4700 Belleview, Suite 215
Kansas City, MO 64112
816-561-2300
816-561-0760 (Facsimilie)
cgotschall@lawyers-kc.com
ATTORNEY FOR PLAINTIFF

MO #27744

FILED 10:28 PM
AUG 24 2016
MICHAEL K. JEANES, Clerk
By A. Aycock
Deputy

1 Mark A. Fredenberg (No. 013836)
2 LAW OFFICE OF MARK A. FREDENBERG
3 714 E. Rose Lane, Suite 200
4 Phoenix, AZ 85014
5 602.230.2916
6 602.230.2956
7 E-mail: mfredenberg@roselanelaw.com
8 Attorney for Plaintiffs

9 SUPERIOR COURT OF ARIZONA
10 IN AND FOR THE COUNTY OF MARICOPA

11 BARRICK PROPERTIES, INC., a Nevada
12 corporation,

Case No.: CV2016-003582

13 Plaintiffs,

14 vs.

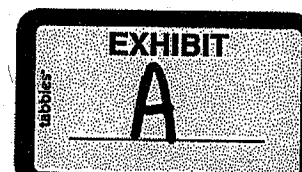
15 UNIVERSAL ASSET MANAGEMENT,
16 LLC, a Missouri limited liability company;
17 GARY M. LEE and ROBIN LEE; JOHN
18 AND JANE DOES 1-X; BLACK AND
19 WHITE CORPORATIONS 1-X; ABC
20 PARTNERSHIPS AND ENTITIES 1-X, and
21 ABC ORGANIZATIONS 1-X;

JUDGMENT AGAINST DEFENDANTS
UNIVERSAL ASSET MANAGEMENT,
LLC
AND
GARY M. LEE and ROBIN LEE

(Sum Certain - With Hearing)

22 Defendants.

23 Plaintiff, pursuant to Rule 55(b)(2) moved for judgment against Defendants
24 UNIVERSAL ASSET MANAGEMENT, LLC ("UAM") and GARY M. LEE and ROBIN LEE
25 ("LEES"). This matter having come before the Court on Plaintiff's Motion for Entry of
26 Default Judgment and the Court having reviewed the pleadings of record and the
Affidavits submitted by Plaintiff in connection therewith, finds that Defendants UAM and
LEES were served with process and failed to appear and answer Plaintiff's Complaint
within the period prescribed by law, that the default of Defendants was duly entered by



1 the Clerk of this Court, that Defendants are neither infants nor incompetent, and that
2 Plaintiff is entitled to the relief requested. The allegations contained in Plaintiff's
3 Complaint are true and there is no just reason for delay in entering this Judgment as a final
4 Judgment.

5 Based upon the foregoing findings, and good cause appearing therefor;

6 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Plaintiff BARRICK
7 PROPERTIES, INC. shall have Judgment against Defendants UNIVERSAL ASSET
8 MANAGEMENT, LLC and GARY M. LEE and ROBIN LEE as follows:

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- Breach of Contract principle = \$626,434.17
 - 155 days of interest @ 18% = \$47,884.15
 - Attorneys' fees/costs = \$11,374.24

13 TOTAL \$685,692.56

14 The Judgment shall bear interest at the statutory rate of 4.5 percent (4.5%) per
15 annum from the date of the Judgment until paid, plus after-accruing costs and attorneys'
16 fees.

17 IT IS FURTHER ORDERED that the Clerk shall enter this as a final Judgment upon
18 its filing, pursuant to Rule 54(c), Arizona Rules of Civil Procedure.

19 DATED this 24 day of August, 2016.

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Commissioner Michael Barth

CERTIFICATE OF SERVICE

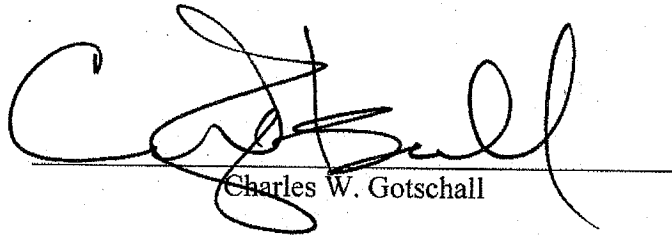
The undersigned hereby certifies that a true and correct copy of the above and foregoing was served on this 3rd day of November, 2016, by United States mail, first class postage prepaid, addressed to:

Universal Asset Management, LLC
c/o Ct. Corporation System
120 S. Central Avenue, Ste. 400
Clayton, MO 63105

Gary M. Lee
1203 Mission Road
Harrisonville, MO 64701

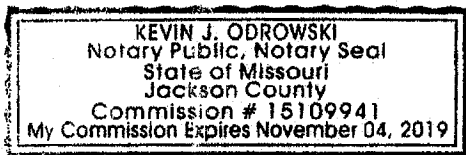
Robin Lee
1203 Mission Road
Harrisonville, MO 64701


Universal Asset Management, LLC
1203 Mission Road
Harrisonville, MO 64701


Charles W. Gotschall

County of Jackson)
) SS
State of Missouri)

Subscribed and sworn to before me, a notary public, on this 2nd day of November, 2016.




Notary Public